

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**TYRONE DOUGLAS DAVIS, #85768**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 3:08-cv-377-DPJ-JCS**

**MISSISSIPPI DEPARTMENT OF CORRECTIONS,  
M.D.O.C. RECORDS DEPARTMENT  
AND SHERRY ROBINSON**

**DEFENDANTS**

**FINAL JUDGMENT**

This cause is before the Court, *sua sponte*, for consideration of dismissal. As reflected in the Memorandum Opinion and Order of the Court issued this day, Plaintiff's claims are not cognizable under 42 U.S.C. § 1983. Consequently, it is hereby,

ORDERED AND ADJUDGED that the § 1983 claims are dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), with prejudice, for failure to state a claim upon which relief may be granted. To the extent that Plaintiff is seeking habeas relief his claims are dismissed without prejudice.

Since this case is dismissed in accordance with the above mentioned provision of the Prison Litigation Reform Act, it will be counted as a "strike" pursuant to 28 U.S.C. § 1915(g).

**SO ORDERED AND ADJUDGED** this the 23<sup>th</sup> day of July, 2008.

*s/ Daniel P. Jordan III*  
UNITED STATES DISTRICT JUDGE